

1 Richard I. Yankwich, (CA Bar No. 089924)
richard.yankwich@dlapiper.com
2 Aaron Wainscoat, (CA Bar No. 218339)
aaron.wainscoat@dlapiper.com
3 Rajiv Dharnidharka, (CA Bar No. 234756)
rajiv.dharnidharka@dlapiper.com
4 DLA Piper US LLP
2000 University Avenue
5 East Palo Alto, CA 94303-2215
Tel: (650)833-2068
6 Fax: (650)687-1207

7 Paul A. Taufer, (PA Bar No. 58,934)
paul.taufer@dlapiper.com
8 Darius C. Gambino, (PA Bar No. 83,496)
darius.gambino@dlapiper.com
9 Michael L. Burns IV (PA Bar No. 204,365)
michael.burns@dlapiper.com
10 DLA Piper US LLP
One Liberty Place
11 1650 Market Street, Suite 4900
Philadelphia, PA 19103
12 Tel: (215) 656-3385
Fax: (215) 656-2498 or 2499

Attorneys for ZIGBEE ALLIANCE

15 IN THE UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA

18 IP CO., LLC and SIPCO, LLC
Plaintiffs,

V.

20 CELLNET TECHNOLOGY, INC.,
21 TROPOS NETWORKS, INC., HUNT
22 TECHNOLOGIES, LLC and B&L TECH-
COMPANY, INC.

23 Defendants

CASE NO. 08-mc-80126-MMC

Civil Action File No.
1:06-CV-3048-JEC
United States District Court
For the Northern District of Georgia

**DECLARATION OF SKIP ASHTON IN
SUPPORT OF NON-PARTY ZIGBEE
ALLIANCE'S OPPOSITION TO MOTION
TO COMPEL PRODUCTION OF
DOCUMENTS AND REQUEST FOR
SANCTIONS**

Date: August 13, 2008
Time: TBD
Court: Hon. Maxine M. Chesney

1 I, Skip Ashton, declare as follows:

2 1. I am the Vice President of Engineering of Ember Corporation ("Ember"). This
3 Declaration is made in support of ZigBee's Opposition to the Motion to Compel Production of
4 Documents filed by IP Co., LLC ("IPCO") and SIPCO, LLC ("SIPCO") (collectively, "IPCO"). I
5 have personal knowledge of the statements herein and could competently testify thereto.

6 2. I am the Chairman of the ZigBee Alliance ("ZigBee") Architectural Review
7 Counsel. ZigBee is an association of companies working together to enable reliable, cost-
8 effective, low-power, wirelessly networked, monitoring and control products based on an open
9 global standard. Ember has been a member of ZigBee since 2002. Ember is a key promoter and
10 member on the Board of ZigBee. Because of its litigious nature, IPCO was perceived as a threat
11 to bring litigation against ZigBee and/or its members.

12 3. To aid ZigBee's counsel DLA Piper US LLP ("DLA Piper") in its review of
13 IPCO's patent portfolio including US Pat. Nos. 6,044,062 (the "'062 Patent") and 6,249,516 (the
14 "'516 Patent") (collectively, the "Reexamination Patents"), I communicated with ZigBee, ZigBee
15 members, DLA Piper and Gallitano & O'Connor LLP ("G&O"), who is also counsel to ZigBee.

16 4. I understood at the outset of the communications with ZigBee, ZigBee's members,
17 DLA Piper and G&O that all communications regarding IPCO and the Reexamination Patents
18 were confidential and related to analyzing a legal position for ZigBee on behalf of its members.

19 5. I did not share the content of any such communications between myself, DLA
20 Piper, G&O, ZigBee and ZigBee's members with anyone outside of ZigBee, ZigBee's members,
21 or their counsel or for any purpose unrelated to a legal analysis of the defense of claims alleged
22 by IPCO.

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1 I declare under penalty of perjury that the foregoing is true and correct and that this Declaration
2 was executed on July 9th 2008 in Boston, Massachusetts.
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6 Skip Ashton
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